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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/394,521	09/10/1999	NAOYUKI MATSUMOTO	35.G0708C/D2	4346

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EXAMINER

POKRZYWA, JOSEPH R

ART UNIT PAPER NUMBER

2622

DATE MAILED: 12/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/394,521	<b>Applicant(s)</b> MATSUMOTO, NAOYUKI	
	<b>Examiner</b> Joseph R. Pokrzywa	<b>Art Unit</b> 2622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 18 October 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 25-31 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 25-31 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Continued Examination Under 37 CFR 1.114*

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10/18/04 has been entered.

### *Response to Preliminary Amendment*

2. Applicant's preliminary amendment was received on 10/18/04, and has been entered and made of record. Currently, **claims 25-31** are pending.

### *Claim Objections*

3. **Claim 29** is objected to because of the following informalities:

In **claim 29**, lines 1-4, numerous occurrences of the phrase "data processing apparatus" should be changed to read "data communication apparatus" to conform with the changes made within the body of the claim.

Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. **Claims 25-31** are rejected under 35 U.S.C. 102(e) as being anticipated by Kita *et al.*

(U.S. Patent Number 5,021,892).

Regarding **claim 25**, Kita discloses a method of controlling a data communication apparatus (facsimile 1) in a data processing system (see Figs. 1 and 3) that includes the data communication apparatus (facsimile 1) and a host computer (personal computer 8) connected to the data communication apparatus by an interface (bi-directional parallel interface unit 5, column 3, lines 28-53), with the method comprising a communication step for communicating commands from the host computer to the data communication apparatus through an interface (see Figs. 6, and 8a-8e, being a reception from the host at numeral “2”, shown at step S200 in Fig. 9 as the station request command), wherein the data communication apparatus (see Figs. 1 and 3) is comprised of units including at least a scanner unit (image scanner 2), a printer unit (image printer 3) and a storage unit (RAM 52), a checking step for checking, upon receipt of the commands, each of the statuses corresponding to each of the scanner unit, printer unit and storage unit of the data communication apparatus (step S201 in Fig. 9, column 13, lines 56-66, and column 15, line 51-column 16, line 17), and a notification step for notifying the host

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computer of the statuses of each of those units discretely (step S202 in Fig. 9, column 16, lines 1-6).

Regarding **claim 26**, Kita discloses the method discussed above in claim 25, and further teaches that the notification step notifies the host computer of operating conditions comprising a change in status or internal state of the data communication apparatus (column 13, lines 56-66, and column 15, line 51-column 16, line 17).

Regarding **claim 27**, Kita discloses the method discussed above in claim 25, and further teaches that the notification step notifies the host computer of the operating conditions in accordance with a command from the host computer (see Fig. 9, column 15, line 62-column 16, line 17).

Regarding **claim 28**, Kita discloses the method discussed above in claim 25, and further teaches that the data communication apparatus is included in a facsimile apparatus (see Figs. 1 and 3, column 3, lines 28-53).

Regarding **claim 29**, Kita discloses a method of controlling a data processing apparatus (facsimile 1) in a data processing system (see Figs. 1 and 3) that includes the data processing apparatus (facsimile 1) and a host computer (personal computer 8), the data processing apparatus and the host computer being connected to each other through an interface (bi-directional parallel interface unit 5, column 3, lines 28-53), and the data processing apparatus (facsimile 1) being able to communicate with another device through a network without using the interface (via telephone line 4a, column 3, lines 28-53, and column 6, lines 6-19), the method comprising a command step for communicating commands from the host computer to the data communication apparatus through an interface (see Figs. 6, and 8a-8e, being a reception from the host at numeral

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"2", shown at step S200 in Fig. 9 as the station request command), wherein the data communication apparatus (see Figs. 1 and 3) is comprised of units including at least a scanner unit (image scanner 2), a printer unit (image printer 3) and a communication unit for communicating with the other device through the network (fax control unit 4), a checking step for checking, upon receipt of the commands, each of the statuses corresponding to each of those units of the data communication apparatus (step S201 in Fig. 9, column 13, lines 56-66, and column 15, line 51-column 16, line 17), and a notification step for notifying the host computer of the statuses of each of those units discretely (step S202 in Fig. 9, column 16, lines 1-6).

Regarding *claim 30*, Kita discloses the method discussed above in claim 29, and further teaches that the notification step notifies the host computer of a model type and a model version in one set (see Figs. 4 and 5, and column 8, lines 5-48).

Regarding *claim 31*, Kita discloses the method discussed above in claim 29, and further teaches that the data processing apparatus is included in a facsimile apparatus (see Figs. 1 and 3, column 3, lines 28-53).

#### ***Citation of Pertinent Prior Art***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

**Mishima *et al.*** (U.S. Patent Number 4,907,094) discloses a data communication system.

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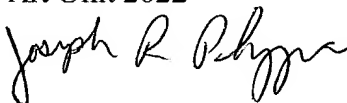
***Conclusion***

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joe Pokrzywa whose telephone number is (703) 305-0146. The examiner can normally be reached on Monday-Friday, 7:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward L. Coles can be reached on (703) 305-4712. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Joseph R. Pokrzywa  
Examiner  
Art Unit 2622



jrj